

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civ. Action No. 01-12257-PBS
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THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
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<i>The City of New York v. Abbott Labs., Inc., et al.,</i>)
S.D.N.Y. Case No. 04-CV-06054)
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<i>County of Albany v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0425)
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<i>County of Allegany v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-0236)
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<i>County of Broome v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0456)
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<i>County of Cattaraugus v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-0256)
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<i>County of Cayuga v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0423)
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<i>County of Chautauqua v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-0214)
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<i>County of Chemung v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-6744)
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<i>County of Chenango v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0354)
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<i>County of Columbia v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0867)
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**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY MEMORANDUM IN
SUPPORT OF THEIR JOINT MOTION TO EXCLUDE THE PROFFERED
EXPERT REPORT AND TESTIMONY OF HARRIS DEVOR, CPA**

<i>County of Cortland v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0881)
)
<i>County of Dutchess v. A Abbott Labs., Inc., et al.,</i>)
S.D.N.Y. Case No. 05-CV-6458)
)
<i>County of Essex v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0878)
)
<i>County of Fulton v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0519)
)
<i>County of Genesee v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-00267)
)
<i>County of Greene v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0474)
)
<i>County of Herkimer v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-00415)
)
<i>County of Jefferson v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0715)
)
<i>County of Lewis v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0839)
)
<i>County of Madison v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-00714)
)
<i>County of Monroe v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-6148)
)
<i>County of Nassau v. Abbott Labs., Inc., et al.,</i>)
E.D.N.Y. Case No. 04-CV-05126)
)
<i>County of Niagara v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-06296)
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<i>County of Oneida v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0489)
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County of Onondaga v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 05-CV-0088)
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County of Ontario v. Abbott Labs., Inc., et al.,)
W.D.N.Y. Case No. 05-CV-6373)
)
County of Orange v. Abbott Labs., Inc., et al.,)
S.D.N.Y. Case No. 07-CV-2777)
)
County of Orleans v. Abbott Labs., Inc., et al.,)
W.D.N.Y. Case No. 05-CV-6371)
)
County of Putnam v. Abbott Labs., Inc., et al.,)
S.D.N.Y. Case No. 05-CV-04740)
)
County of Rensselaer v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 05-CV-00422)
)
County of Rockland v. Abbott Labs., Inc., et al.,)
S.D.N.Y. Case No. 03-CV-7055)
)
County of Schuyler v. Abbott Labs., Inc., et al.,)
W.D.N.Y. Case No. 05-CV-6387)
)
County of Seneca v. Abbott Labs., Inc., et al.,)
W.D.N.Y. Case No. 05-CV-6370)
)
County of St. Lawrence v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 05-CV-0479)
)
County of Saratoga v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 05-CV-0478)
)
County of Steuben v. Abbott Labs., Inc., et al.,)
W.D.N.Y. Case No. 05-CV-6223)
)
County of Suffolk v. Abbott Labs., Inc., et al.,)
E.D.N.Y. Case No. 03-CV-12257)
)
County of Tompkins v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 05-CV-0397)
)
County of Ulster v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 06-CV-0123)
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County of Warren v. Abbott Labs., Inc., et al.,)
N.D.N.Y. Case No. 05-CV-0468)
)
<i>County of Washington v. Abbott Labs., Inc., et al.,</i>)
N.D.N.Y. Case No. 05-CV-0408)
)
<i>County of Wayne v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-06138)
)
<i>County of Westchester v. Abbott Labs., Inc., et al.</i>)
S.D.N.Y. Case No. 03-CV-6178)
)
<i>County of Wyoming v. Abbott Labs., Inc., et al.,</i>)
W.D.N.Y. Case No. 05-CV-6379)
)
<i>County of Yates v. Abbott Labs., Inc., et al.,</i>)
<u>W.D.N.Y. Case No. 05-CV-06172</u>)

Pursuant to Local Rule 7.1(b)(3), defendants respectfully seek leave to file a short reply memorandum in support of their Joint Motion To Exclude The Proffered Expert Report And Testimony Of Harris Devor, C.P.A., (“Motion to Exclude Devor”) filed on June 15, 2009. The proposed reply memorandum, attached hereto as Exhibit A, seeks to clarify existing issues and to address new substantive issues raised by Plaintiffs in their Opposition to the defendants’ Joint Motion to Exclude Devor, filed on June 30, 2009.

WHEREFORE, defendants respectfully request that this Court grant their motion for leave to file a reply memorandum in support of their Motion to Exclude Devor.

DATED: July 7, 2009

Respectfully submitted,

/s/ Jennifer G. Levy

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Ivax Corporation and
Ivax Pharmaceuticals, Inc.

On behalf of all Defendants

Local Rule 7.1(A)(2) Certification

The undersigned counsel certifies that defendants have attempted to confer with counsel for Plaintiffs, but have not been successful in obtaining a response as to Plaintiffs' position.

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2009, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Court in MDL 1456.

/s/ John K. Crisham
John K. Crisham